

Message Text

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ACTION L-03

INFO OCT-01 IO-13 ADP-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-07 H-03

INR-10 NSAE-00 NSC-10 PA-03 PRS-01 SS-15 USIA-15

ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04

INT-08 JUSE-00 NSF-04 OMB-01 TRSE-00 SCI-06 CEQ-02

RSR-01 /247 W

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R 231900Z AUG 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 1358

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E.O. 11652: N/A

TAGS: PBOR, UN

SUBJ: LOS: SEABED COMMITTEE: SUBCTME III-20 AUGUST

1. SUBCMTE III ADOPTED ITS REPORT TO THE MAIN CTME.

2. ITALY INTRODUCED PAPER A/AC 138/SC III/L.50 THAT PROPOSES THAT WHENEVER CONSENT IS REQUESTED UNDER THIS CONVENTION, A REPLY SHALL BE PROMPTLY GIVEN. WITH RESPECT TO SCIENTIFIC RESEARCH BEYOND THE TERRITORIAL SEA, COASTAL STATE CONSENT SHALL BE PRESUMED IF NOT RECEIVED WITHIN...MONTHS FROM DATE OF REQUEST. ITALY BELIEVES 3 MONTHS IS REASONABLE.

3. YUGOSLAVIA (CO-SPONSORED BY ALGERIA, BRAZIL, KENYA, PERU, PRC AND MANY OTHERS) INTRODUCED A/AC.138/SCIII/L.55 ON QUESTION OF CONSENT TO CONDUCT SCIENTIFIC RESEARCH WITHIN NATIONAL JURISDICTION. REJECTS ANY BUT EXPLICIT CONSENT REQUIREMENT TO CONDUCT RESEARCH. COASTAL STATE
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CONSENT SHOULD BE GIVEN WITHIN REASONABLE PERIOD OF

TIME. KENYA ASSOCIATED ITSELF WITH THESE REMARKS.

4. PAKISTAN COMMENTED ON ITALY'S PROPOSAL AND DISAGREED THAT COASTAL STATE MUST GIVE PROMPT REPLY OR THAT CONSENT CAN BE PRESUMED. L.55 TAKES INTO ACCOUNT SOVEREIGNTY OF STATES.

5. INFORMA WORKING PARTY, CHAIRED BY TANZANIA, AGREED ON TEXT OF LETTER FROM CHRMN. SBC TO SEC GEN IMCO FOR TRANSMITTAL TO THE INTERNATIONAL CONFERENCE ON MARINE POLLUTION. THE LETTER WAS ADOPTED BY THE SUBCTME. THE LETTER WILL FORWARD PERTINENT SUMMARY RECORDS OF SUB-CTME III AND OF THE MAIN COMMITTEE FOR CIRCULATION AS A CONFERENCE DOCUMENT. THE LETTER NOTED ARTICLE 9(2) OF THE FIFTH DRAFT IMCO TEXT AND STATED THAT WHILE NOT QUESTIONING THE MANDATE OF THE INTERNATIONAL CONFERENCE ON MARINE POLLUTION, THE LOS CONFERENCE WOULD NOT CONSIDER ITSELF LIMITED BY ANY DECISION TAKEN ON THESE MATTERS BY THE INTERNATIONAL CONFERENCE.

6. MALTA REFERRED TO PROPOSED CREATION BY IMCO OF MEPC AND NOTED AD HOC GROUP CREATED BY IMCO COUNCIL STUDIED MATTER AND ISSUED A REPORT. ONLY 2 LDC'S WERE MEMBERS OF GROUP GROUP RECOMMENDED TO COUNCIL THAT MEPC MEETING SHOULD BE HELD EARLY IN 1974. REP SAID GRAVE QUESTIONS RAISED: I). CAN A SPECIALIZED AGENCY ALONE CHANGE OR EXPAND, IN A MAJOR WAY, ITS FUNCTION; II.) NOTHING IN IMCO CONVENTION GIVES IT POWERS IN FIELD OF MARINE POLLUTION (REP HAD NO PROBLEM WITH IMCO DEALING WITH TECHNICAL MATTERS); III.) QUESTIONS WHETHER AGENCY CONTROLLED BY SHIPPING INTERESTS SHOULD DEAL WITH THESE MATTERS. REP NOTED THAT IF MEPC NOT CREATED, MSC WOULD CONTINUE TO DEAL WITH THE MATTER. AND ALTHOUGH LATTER WAS NOT AS OPEN A FORUM AS MEPC, IT WOULD BE BETTER NOT TO CREATE A NEW COMMITTEE AT THIS TIME. BECAUSE OF POINTS NOTED ABOVE, REP INDICATED THAT IT MIGHT BE BETTER TO STAY WITH MSC, BUT, BECAUSE MAKEUP OF IMCO ASSEMBLY, REPORT IS SURE TO BE APPROVED. REP INDICATED HE WILL VIGOROUSLY ARGUE ISSUES AT UNGA.

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7. USSR THOUGHT THE SBC SHOULD NOT SEND ANY LETTER (PARA. 5) TO IMCO BUT AS COMPROMISE AGREED TO LETTER THAT DOES NOT PUT ANY PRESSURE ON IMCO. REP WAS SURPRISED BY MALTESE REPS STATEMENT SINCE IMCO HAS DONE USEFUL CONCRETE WORK IN MARINE POLLUTION.

8. LEBANON HAS NO PARTICULAR SYMPATHY FOR IMCO, BUT SBC IS NOT COMPETENT TO DISCUSS COMPETENCE OF OTHER INTER-

NATIONAL BODIES. DISCUSSED PERTINENT RULES OF LAW OF TREATIES.

9. KENYA REP STATED THAT IMCO CONFERENCE SHOULD PREFERABLY HAVE BEEN HELD AFTER LOS BUT THESE CONFERENCES SHOULD BE COORDINATED. REP STATED HE WILL NOT CONSIDER IMCO CONVENTION BINDING UNLESS APPROVED BY LOS.

10. CANADA CONSIDERS IT IMPORTANT THAT IMCO AND LOS NOT OVERLAP AND THAT INTERRELATED ISSUES BE COORDINATED. IMCO CAN SET UP SUB-ORGANS BUT INDICATED THAT PERHAPS FUNCTIONS SHOULD BE LIMITED TO POLLUTION FROM VESSELS AND OTHER CRAFT (AD HOC GROUPS REPORT INDICATED THAT SOME FUNCTIONS WERE BROADER, I.E., COORDINATING AND FURNISHING OF POLLUTION DATA). NOTED THAT UNEP REP IN SPEECH MADE NO REFERENCE TO STATEMENT OF OBJECTIVES AND SPECIAL INTERESTS OF COASTAL STATES NOR TO 23 PRINCIPLES ADOPTED BY STOCKHOLM. REP ASKED UNEP TO WORK ON BASIS OF STOCKHOLM AND NOT PICK AND CHOOSE.

11. BULGARIA, UKRAINE, POLAND SUPPORTED USSR ON LETTER TO IMCO. GREECE AGREED.

12. US REP DISAGREED WITH MALTESE STATEMENT RE IMCO, AND NOTED THAT IMCO HAD DEALT EFFECTIVELY WITH MARINE POLLUTION FOR A NUMBER OF YEARS AND CAN SET UP SUB-ORGANS AS IT SEES FIT UNDER ITS CHARTER.

13. U.K. SAID MALTA INDICATED IMCO HAD RESTRICTED MEMBERSHIP. MOST MEMBERS ARE LDC'S AND IMCO IS REPRESENTATIVE. IF IMCO VIEWED AS NOT DOING SUFFICIENT WORK, STATES CAN RATIFY ITS VARIOUS TREATIES. SAW NOTHING TO CRITICIZE IN MEPC PROPOSAL.
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14. CHAIRMAN SAID IT IS TRUE THAT SUB CTME III DID NOT COMPLETE ITS MANDATE--NOR DID OTHER SUB CTMES--BUT WAS SATISFIED WITH WORK GIVEN CONSENSUS PRINCIPLE AND DIFFICULT SUBJECT MATTER. THIS WAS LAST MEETING OF SESSION.

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